

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

I-2-0361.1US

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on September 8, 2009Signature Thomas A. MattioliTyped or printed name Thomas A. Mattioli

Application Number

10/606,716

Filed

June 26, 2003

First Named Inventor

Rudolf et al.

Art Unit

2618

Examiner

Zhiyu Lu

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 56,773☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Thomas A. Mattioli

Signature

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Typed or printed name

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Telephone number

September 8, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Rudolf et al.

**Application No.:** 10/606,716

**Confirmation No.:** 5784

**Filed:** June 26, 2003

**For:** RADIO NETWORK CONTROLLER  
PEER-TO-PEER EXCHANGE OF USER  
EQUIPMENT MEASUREMENT  
INFORMATION

**Group:** 2618

**Examiner:** Zhiyu Lu

**Our File:** I-2-0361.1US

**Date:** September 8, 2009

**REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Communication is being timely filed in response to the Final Office Action dated June 8, 2009.

A Pre-Appeal Brief Review is hereby requested in the above application for the following reasons:

In the Office Action and in the Response to Arguments, it is contended that Lieshout et al. and Fauconnier et al disclose sending user measurements from the SRNC to the DRNC and/or requesting common measurements from the SRNC by the DRNC. The pending claims of the application refer to the common measurements including received total wideband power, load and global positioning system (GPS) timing information, and the user measurements including received signal code power (RSCP) and interference signal code power (ISCP).

With respect to Lieshout et al., paragraph 0035 refers to the SRNC requesting resource information for a UE from the DRNC. Paragraph 0042 refers to the SRNC sending power regulation information to the DRNC with respect to a user. Neither of these paragraphs or Figures 2 or 3 disclose the requesting of any common measurements by the DRNC or sending of user measurements from the SRNC to the DRNC. Paragraph 0035 refers only to the SRNC requesting resources from the DRNC and not the DRNC requesting common measurements from the SRNC, let alone the common measurements including received total wideband power, load and/or global positioning system (GPS) timing information. Paragraph 42 does not refer to sending user measurements. The SRNC may use BLER to derive the power offset, but the power offset is not a user measurement. Since the DRNC does not have access to the user measurements, the SRNC needs to determine the FACH power offset for the user as the DRNC cannot do it.

Accordingly, the Lieshout et al. reference simply does not disclose, teach, or suggest the elements as claimed in the present application.

With respect to Fauconnier et al., paragraph 109 merely refers to a time reference that is available being obtained by GPS-type receivers. However, the mere mention of a time reference being available by a GPS-type receiver does not at all relate to a common measurement or request for a common measurement. Indeed, there is no disclosure, teaching or suggestion in the Fauconnier et al. reference of any common measurements being requested, let alone those common measurements being received total wideband power, load and/or global positioning system (GPS) timing information. Furthermore, there is no disclosure, teaching or suggestion in either Lieshout et al. or Fauconnier et al. of sending user measurements such as RSCP or ISCP.

The only measurement sent from the SRNC to the DRNC in either Leishout or Fauconnier is timing adjustment, which is essentially an adjustment. Accordingly, neither reference discloses requesting common measurements that include received total wideband power, load and global positioning system (GPS) timing information, or transmitting user measurements, such as RSCP and ISCP.

The Terry reference does not relate to the requesting of common measurements and therefore does not cure the deficiencies of either the Lieshout et al. or Fauconnier et al. references, whether taken alone or in any combination with

**Applicant:** Rudolph et al.  
**Application No.:** 10/606,716

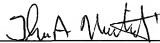
one another.

Accordingly, applicants respectfully submit that the claims are patentable.

In view of the foregoing remarks, Applicants respectfully request a Pre-Appeal Brief Review and a notice to that effect is respectfully requested.

Respectfully submitted,

Rudolph et al.

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